

律政司  
律政司司長辦公室

香港金鐘道 66 號  
金鐘道政府合署高座 4 樓

網址：www.doj.gov.hk



DEPARTMENT OF JUSTICE  
Secretary for Justice's Office

4/F, High Block  
Queensway Government Offices  
66 Queensway, Hong Kong

Web site: www.doj.gov.hk

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Miss Flora Tai  
Clerk to Panel on Administration of  
Justice and Legal Services  
Legislative Council Secretariat  
3/F Citibank Tower  
3 Garden Road  
Hong Kong

**By Fax & By Post**  
**Fax : 2509 9055**

Dear Flora,

**Panel on Administration of Justice and Legal Services:  
Information on the use of mediation  
in employment injury compensation cases**

At the panel meeting held on 22 October 2009, a Member asked the Department of Justice ("DoJ") to provide information on the number and percentage of employment injury compensation cases in which mediation service had been used, if available. (As regards the information relating to mediation services requested at the recent panel meeting held on 19 April 2011, we would reply separately in due course.)

2. We have, since the panel meeting in October 2009, explored the source from which the information requested can be obtained. There are many mediation service providers in Hong Kong, local and overseas alike. Moreover mediation is a private and voluntary dispute resolution process held in confidence. In view of the above, it is difficult for DoJ to obtain and DoJ is not in the position to provide comprehensive information about the use of mediation to resolve employment injury compensation cases as requested. However, the following may give an indication on the use of mediation in employment injury compensation cases:

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- (a) From the commencement of the Civil Justice Reform, the Legal Aid Department approved the appointment of mediators in 728 cases of which 54 were employees' compensation cases and 321 personal injuries cases in the period from 2 April 2009 to 28 February 2011.
  
- (b) Furthermore, in the New Insurance Mediation Pilot Scheme ('NIMPS') administered by the Hong Kong International Arbitration Centre for the Hong Kong Federation of Insurers, there were 48 cases received by NIMPS (since 1 April 2007), of which 6 have been settled by mediation, 25 settled by direct negotiation, and 3 mediations were in progress as at 31 March 2011. Such Pilot Schemes are helpful to encourage a greater use of mediation to resolve employment injury compensation cases.

Yours sincerely,



( Gary Poon )  
Administrative Assistant  
to Secretary for Justice